

5¹ with regard to this amendment because **Fig. 5** clearly depicts “said first securing means and said second securing means” before they are secured to each other with the suture passing between the respective securing means. Similarly, **Fig. 6** depicts the “said first securing means and said second securing means” secured to each other with the suture fixed therebetween.

With respect to **Fig. 1** (the figure associated with the elected species), Applicants specifically state that:

First cylinder 10 comprises an exterior surface 12 and an interior surface 18 and a second (or upper) end 14 and a first (or lower) end 16. Further, first cylinder 10 includes a first securing means 15. Similarly, second cylinder 20 comprises an interior surface 22 and a first (or upper) end 24. Second cylinder 20 also includes a second securing means 25. Second securing means 25 correspond to and are adapted to engage first securing means 15. For example, first securing means 15 may be an annular lip and second securing means 25 may be a corresponding annular groove, or vice versa.

Appl’n, Para. [0019] (emphasis added) Thus, the elected species disclosed a first and a second securing means. Moreover, Applicants have described these means, generally, as adapted to secure fixing suture. E.g., Appl’n, Paras. [0002] and [0010]. Further, the preambles of each of claims 1, 12, and 19 describe “apparatus for automatically fixing sutures used in the surgical replacement of a heart valve.” (Emphasis added.)

Referring to the embodiment of **Fig. 5**, Applicants state that:

Once annular cuff 42' is sutured to the annulus the end pairs of each suture 100 are passed over exterior surface 12 and first securing means 15 of first cylinder 10 and over interior surface 22 and second securing means 25. By applying tension to the sutures 100 and pressure to second end 14 of first cylinder 10, annular cuff 42' may be tightly sealed against the annulus. Once this seal is established, second cylinder 20 may be pressed down onto first cylinder 10, so that first sealing means 15 may engage second sealing means 25 and thereby seize sutures 100 within apparatus 1. Referring to **Fig. 6**, the embodiment of **Fig. 5** is depicted, wherein the securing means of first and second cylinders 10 and 20 are snapped into engagement, and the secured sutures have been trimmed.

Appl’n, Para [0027] (note that the same element numbers are used to refer to the “first securing means” and to the “second securing means” with respect to **Figs. 1** and **5**, emphasis added).

¹ Applicants amended **Fig. 5** by Preliminary Amendment and Response to Restriction Requirement, filed September 2, 2003.

thus, it is a common feature of the embodiments depicted in **Figs. 1 and 5**, that suture is secured between the first and second securing means. That feature is not unique or exclusive to either embodiment. Therefore, Applicants maintain that these amendments are fully supported by the disclosure of the elected species and the citation in the Responsive Amendment to the figure, **Fig. 5**, associated with a non-elected species, does not suggest otherwise.

With respect to previously amended **Fig. 5**, Applicants further note that while “said first securing means and said second securing means” are disclosed with respect to this Species I or V, **Fig. 5** depicts other elements that may render it patentably distinct with respect to the Species I (**Fig. 1**). With respect to this embodiment, Applicants note that **Fig. 5** also depicts valve sleeve 40', annular cuff 42', and securing sleeves 44'. Appl'n, Para. [0025]. These features are not depicted in **Fig. 1**. Moreover, in Applicants' Response to Restriction Requirement, filed December 1, 2003, Applicants state that claims 1, 2, and 41-43 were associated with Species V (**Fig. 5**) and identify each of these claims as generic to Species I (**Fig. 1**). Although the Examiner has withdrawn claim 42, as allegedly directed to a non-elected species, no objection has yet been raised to the identification of claims 1, 2, 41, and 43 as generic to all of the pending claims. Therefore, because “said first securing means and said second securing means” are common to the embodiments of **Figs. 1 and 5**, Applicants' proposed amendments to claims 1, 12, and 19 to clarify the description of those claims does not cause these claims to read on a non-elected species.

Conclusion:

Applicants acknowledge with appreciation, the Examiner's courtesy in discussing this response with Applicants' representative prior to its submission. Applicants respectfully submit that this Responsive Amendment filed July 19, 2004, is compliant and that the application, as amended, is in condition for allowance. Such disposition is earnestly solicited. If the Examiner believes that a further interview with Applicants' representatives, either in person

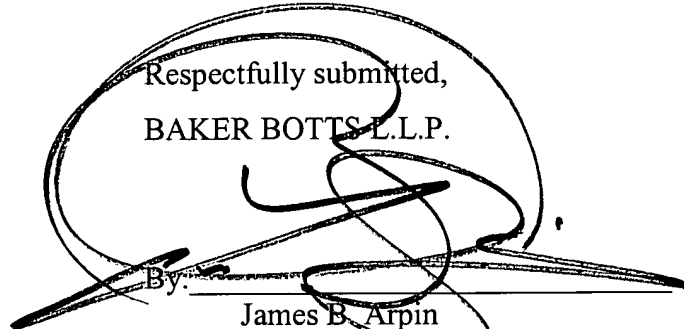
or by telephone, would expedite prosecution of this application, we would welcome such an opportunity.

Respectfully submitted,
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